

REMARKS

This Amendment amends claims 1 and 2. Claim 1 has been amended by re-inserting language inadvertently omitted from the Preliminary Amendment filed with the application. Support for the amendment is found at page 2, lines 25-29 of the application. The functional language of claim 1 is supported by page 2, lines 5-9 and page 2, line 30 to page 3, line 2. Additional editorial changes have been made to make the claim more definite. Claim 2 has been amended to conform its language with that of claim 1. Claims 1-10 are pending.

Examiners Hooks and Bianco are thanked for the courtesies extended to the undersigned during a personal interview held March 12, 2009. The Examiner Interview Summary Record accurately reflects the substance of the interview.

The 35 U.S.C. § 103(a) rejection of claims 1-6 over U.S. Patent No. 4,143,656 to Holmes in view of U.S. Design Patent No. D442,688 to DeWeerd is respectfully traversed. A feature of the claimed plunger is a tip portion having at least one surface, which along at least a portion of the length of the tip portion turns at least at least 35° in relation to a first plane in parallel with the plunger's longitudinal axis, where the at least one surface

also turns at least 35° in relation to a plane perpendicular to the direction of the plunger's longitudinal axis, along at least a portion of the length of the tip portion. The tip portion acts as a cam against a T-body IUD as it is pulled into the plunger, rotating the IUD into proper position for insertion into the plunger.

The cited combination of references fails to raise a prima facie case of obviousness because neither reference discloses or suggests the surface structure of the claimed plunger's tip portion. The Patent Office concedes Holmes does not disclose the surface features of the plunger's tip portion (Official Action, page 2, last line to page 3, line 3).

DeWeerd also does not disclose the tip portion of the claimed plunger. Instead, DeWeerd illustrates a vaginal ring applicator. Fig. 1, cited by the Patent Office, illustrates an overall front perspective view of the vaginal ring applicator, and fails to disclose the surface features of the tip of the claimed plunger. More specifically, Fig. 1 of DeWeerd illustrates a tip portion having a hook structure rather than an opening at the first end of the plunger, with the opening arranged in the plunger's longitudinal direction such that the longitudinal axis of the

opening is substantially the same as the longitudinal axis of the plunger.

One of ordinary skill in the art is given no disclosure or suggestion which would motivate him to modify the hook tip portion of the Holmes inserter by changing it to an opening which expands in a direction perpendicular to the direction of the inserter's longitudinal axis, so that the opening has at least one surface which, along at least a portion of the length of the tip portion, turns at least 35° in relation to a first plane in parallel with the plunger's longitudinal axis, where the at least one surface also turns at least 35° in relation to a plane perpendicular to the direction of the plunger's longitudinal axis, along at least a portion of the length of the tip portion.

The combination of Holmes and DeWeerd fails to suggest an inserter having an opening at its tip, the tip having at least one surface which will turn an intrauterine device having a T-body from an incorrect position into a correct position for positioning the intrauterine device within the plunger as the intrauterine device is being retracted into position within the plunger. Reconsideration and withdrawal of the obviousness rejection of

claims 1-6 over Holmes in view of DeWeerd are respectfully requested.

The 35 U.S.C. § 103(a) rejection of claims 7-10 over Holmes in view of DeWeerd, further in view of U.S. Patent No. 3,918,445 to Okamoto et al., is also traversed. As discussed above, a feature of the claimed plunger is a tip portion having an opening with at least one surface, which along at least a portion of the length of the tip portion turns at least at least 35° in relation to a first plane in parallel with the plunger's longitudinal axis, where the at least one surface also turns at least 35° in relation to a plane perpendicular to the direction of the plunger's longitudinal axis, along at least a portion of the length of the tip portion. The at least one surface of the tip portion's opening will turn an intrauterine device having a T-body from an incorrect position into a correct position for positioning the intrauterine device within the plunger as the intrauterine device is being retracted into position within the plunger.

The cited combination of references fails to raise a prima facie case of obviousness against the claimed plunger. The deficiencies of Holmes and DeWeerd, discussed above, are not remedied by the additional disclosure of Okamoto et al. Figs. 11

and 13, cited by the Patent Office, do not illustrate the tip (exit portion 4) of the Okamoto et al. inserter, and instead illustrate transverse sectional views of a middle portion of Okamoto et al.'s inserter.

Exit portion 4 of Okamoto et al.'s inserter does not disclose or suggest the surface features of the claimed plunger's tip portion. One of ordinary skill in the art would not be led to the claimed plunger by the cited combination of references. Reconsideration and withdrawal of the obviousness rejection of claims 7-10 over Holmes, DeWeerd and Okamoto et al. are requested.

It is believed this application is in condition for allowance. Reconsideration and withdrawal of all rejections of claims 1-10, and issuance of a Notice of Allowance directed to these claims, are earnestly requested. The Examiner is urged to telephone the undersigned should she believe any further action is required for allowance.

The fee for the extension of time is being paid electronically today. It is not believed any additional fee is required for entry and consideration of this Amendment. Nevertheless, the

U.S. Appln. S.N. 10/579,207
AMENDMENT

PATENT

Commissioner is authorized to charge Deposit Account No. 50-1258 in
the amount of any such required fee.

Respectfully submitted,

/James C. Lydon/

James C. Lydon
Reg. No. 30,082

Atty. Case No.: **TUR-180**
100 Daingerfield Road
Suite 100
Alexandria, Virginia 22314
Telephone: (703) 838-0445
Facsimile: (703) 838-0447

Enclosure:
Petition for Extension of Time